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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11INDERJIT SAMRAN,

12Plaintiff,

13v.

14MANULIFE INVESTMENT  
15MANAGEMENT FARMLAND  
16MANAGEMENT SERVICES, INC.,

17Defendant.  
18

No. 2:24-cv-01042-DJC-CSK

ORDER

19 On July 21, 2025, Defendant Manulife Investment Management Farmland  
20 Management Services, Inc. filed a Motion to Dismiss based on Plaintiff's alleged failure  
21 to prosecute this action. (ECF No. 33.) In the Motion, Defendants argued that Plaintiff  
22 had failed to prosecute this action by failing to serve any discovery requests, respond  
23 to discovery orders from the Magistrate Judge, and communicate with Defendant's  
24 Counsel. Defendants note that Magistrate Judge Chi Soo Kim had originally ordered  
25 Plaintiff to make initial disclosures and comply with production requirements on  
26 November 26, 2024. (See ECF Nos. 21, 22.) In doing so, Judge Kim gave Plaintiff the

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1 following warning:

2           Plaintiff is reminded of his duty to prosecute his case, comply  
3 with court orders, and participate in discovery. If Plaintiff fails  
4 to prosecute his case, comply with court orders, or  
5 participate in discovery, Plaintiff may face serious sanctions,  
6 including dismissal. See *Connecticut Gen. Life Ins. Co. v. New*  
7 *Images of Beverly Hills*, 482 F.3d 1091, 1095 (9th Cir. 2007)  
(affirming district court's imposition of terminating sanction  
for discovery violations).

8 (ECF No. 22 at 6.) Judge Kim awarded expenses to Defendant and had to issue two  
9 subsequent Minute Orders directing a response when Plaintiff failed to file a notice  
10 that the discovery award had been paid. (ECF Nos. 30, 31.)

11           Plaintiff did not initially timely respond to Defendant's Motion to Dismiss,  
12 requiring the Court to issue an Order to Show Cause as to why Defendant's Motion  
13 should not be granted and the action dismissed. Plaintiff responded to that Order to  
14 Show Cause on September 10, 2025. (ECF No. 36.) Plaintiff's response does not  
15 contest any of Defendant's Motion or provide any explanation for the failure to file an  
16 Opposition. Instead, Plaintiff only requested that "the Court [] reserve ruling on the  
17 Defendant's motion to dismiss for a period of ten days" as Plaintiff had signed and  
18 returned a settlement agreement and wanted Defendant to "evaluate the validity of  
19 the Plaintiff's execution of Defendant's proposed settlement agreement[.]" (*Id.*)  
20 Defendant responded to Plaintiff's statements and denied that Plaintiff's signed  
21 settlement agreement was timely and noted that it was in fact a revision of the  
22 agreement.<sup>1</sup> (ECF No. 38.) Nevertheless, the Court waited until after this period had  
23 passed to issue a ruling on Defendant's Motion.<sup>2</sup> Plaintiff has not filed a notice of  
24 settlement, an opposition, or any further response.

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25 <sup>1</sup> Defendant's technically requested leave to reply to Plaintiff's Response to the Order to Show Cause.  
26 (ECF No. 38.) As the Court already waited to issue a ruling and no notice of settlement has been filed,  
this Reply is ultimately unnecessary, and this request is denied as moot.

27 <sup>2</sup> Given that over a month has passed since Plaintiff's request for the court to reserve ruling for 10 days  
28 was made, the Court will ultimately deny that request as moot.

1 The Court finds dismissal for failure to prosecute appropriate here. In addition  
2 to Plaintiff's lack of substantive opposition to the Motion, the history of this case  
3 strongly favors that resolution. Generally speaking, where the Court is considering  
4 whether to dismiss an action for failure to prosecute or to comply with a court order,  
5 the Court should consider five factors: "(1) the public's interest in expeditious  
6 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of  
7 prejudice to defendants/respondents; (4) the availability of less drastic alternatives;  
8 and (5) the public policy favoring disposition of cases on their merits." *Pagtalunan v.*  
9 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258,  
10 1260-61 (9th Cir. 1992)).

11 These factors favor dismissal here. *First*, Plaintiff's failure to comply with basic  
12 discovery requirements and repeated failure to respond to court orders prevents  
13 expeditious resolution of litigation. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 990  
14 (9th Cir. 1999) ("[T]he public's interest in expeditious resolution of litigation always  
15 favors dismissal."). *Second*, Plaintiff's failure to meet deadlines and respond to court  
16 orders, such as those issued by Judge Kim (see ECF Nos. 30, 31), impedes the Court's  
17 ability to efficiently manage its document and unnecessarily consumes judicial  
18 resources. *Third*, Plaintiff's failure to prosecute this action is prejudicial to Defendant,  
19 as Plaintiff has failed to meet basic discovery obligations and forced Defendant to  
20 incur additional costs seeking relief. *Fourth*, no less drastic alternatives are readily  
21 available. Plaintiff was repeatedly instructed to comply with deadlines and court  
22 orders (ECF Nos. 30, 31, 35), warned that failure to prosecute this action would result  
23 in dismissal (ECF No. 22 at 6), and ordered to pay discovery awards (ECF No. 29).  
24 None of these efforts were successful in prompting Plaintiff to prosecute this action.  
25 *Fifth*, the public policy in favor of disposition of cases on the merits weighs against  
26 dismissal. However, the weight of the other factors outweighs this public policy  
27 interest, and, on balance, the factors clearly favor dismissal. Dismissal is thus  
28 appropriate under Federal Rule of Civil Procedure 41(b).

1 Accordingly, IT IS HEREBY ORDERED that

- 2 1. Defendant's Motion to Dismiss for Failure to Prosecute (ECF No. 33) is  
3 GRANTED.  
4 2. The Order to Show Cause (ECF No. 33) is DISCHARGED.  
5 3. Plaintiff's request to reserve ruling (ECF No. 36) and Defendant's request  
6 for leave to file a reply (ECF No. 38) are DENIED AS MOOT.  
7 4. The Clerk of the Court is directed to close this case.

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9 IT IS SO ORDERED.

10 Dated: **October 15, 2025**

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE